

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

IAN A. WOODS,

Plaintiff,

v.

STATE OF NEVADA, *et al.*,

Defendants.

Case No. 2:13-CV-01029-APG-NJK

ORDER

(Dkt. #99, #101)

Plaintiff Ian Woods moves for default judgment under Federal Rule of Civil Procedure 55 because defendants' motion for summary judgment was filed too late. Woods contends Magistrate Judge Koppe required any summary judgment motions to be filed and served by April 6, 2015, but defendants did not serve the motion until April 7, 2015. Woods also requests sanctions for the untimely filing. Defendants respond that counsel completed the summary judgment motion late on the evening of April 6, 2015, and therefore could not serve it until the following day because the post office was not open. Defendants argue mailing the motion to plaintiff one day late does not warrant default or sanctions.

Pursuant to Federal Rule of Civil Procedure 55(a), default is proper against a party that "has failed to plead or otherwise defend." Defendants have defended this action so there is no basis for a default judgment. Moreover, I find no basis to issue sanctions. Although Magistrate Judge Koppe previously warned Defendants that the court expects strict compliance with all court orders and applicable rules and that the failure to do so may result in sanctions (Dkt. #94), Defendants have offered a reasonable explanation for the one-day late mailing. Woods has identified no prejudice. I therefore find no basis for sanctions.

Both motions (Dkt. ##99, 101) are hereby DENIED.

DATED this 9th day of June, 2015.


ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE